



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 10751846

Date: OCT. 5, 2020

Motion on Administrative Appeals Office Decision

Form I-140, Immigrant Petition for Alien Worker (Extraordinary Ability)

The Petitioner, a karate athlete and trainer, seeks classification as an alien of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Texas Service Center denied the petition, concluding that the record did not establish that the Petitioner met the initial evidence requirements of this classification by demonstrating his receipt of a major, internationally recognized award or meeting at least three of the ten evidentiary criteria listed under 8 C.F.R. § 204.5(h)(3). On appeal, the Petitioner asserted that he met three criterion in addition to the one criterion that the Director found he met. However, we disagreed with the Director and reversed his finding regarding that criterion, finding that it had not been met by the Petitioner. We also agreed that the Petitioner did not meet another criterion he had claimed, and reserved two additional criteria. The Petitioner now submits a motion to reopen supported by additional evidence regarding three of the evidentiary criteria.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. *See* Section 291 of the Act, 8 U.S.C. § 1361. Upon review, we will dismiss the motion.

## **I. LAW**

The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide sufficient qualifying documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles). Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is

among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010).

A motion to reopen is based on documentary evidence of *new facts*. The requirements of a motion to reopen are located at 8 C.F.R. § 103.5(a)(2). We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

## II. ANALYSIS

The Petitioner initially claimed five of the evidentiary criteria under 8 C.F.R. § 204.5(h)(3) in his petition:

- (i) – lesser nationally or internationally recognized awards for excellence in the field of endeavor
- (ii) – membership in associations in the field requiring outstanding achievement of members
- (iii) – published material about the Petitioner and his work in professional, major trade or other major media
- (iv) – participation as a judge of the work of others in the same or an allied field, and
- (viii) – a leading or critical role for organizations having a distinguished reputation

The Director found that the Petitioner met only the awards criterion based upon newspaper clippings. These articles concern tournaments in which the members of a karate team from the University of [REDACTED] including the Petitioner, are said to have received awards. However, on appeal we reversed this finding, noting that the record lacked direct evidence of the Petitioner's receipt of an award, and that the name of the tournaments in these articles were inconsistent with that claimed by the Petitioner.<sup>1</sup> We also agreed with the Director that the Petitioner did not meet the criterion relating to published material about him, and reserved the fourth and eight criteria under 8 C.F.R. § 204.5(h)(3).<sup>2</sup> On motion, the Petitioner submits new evidence relating to the first, fourth and eight criteria, which we will analyze below.

*Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. 8 C.F.R. § 204.5(h)(3)(i)*

On motion, the Petitioner submits evidence from the website of the [REDACTED] Karate Association [REDACTED] showing that the [REDACTED] promoted by [REDACTED] is one of several events scheduled for 2020. Also submitted is a letter from [REDACTED], dated February 19, 2020, who identifies himself as the [REDACTED] promotor and states that

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<sup>1</sup> The Petitioner's index, and the translation of at least one of the articles, indicated that the tournament was the Pan American Games, a tournament amongst North and South American countries that includes the sport of karate but has never been held in [REDACTED]. Other titles referred to in the articles included "Panamerican Karate Games," "Panamerican Champions of Karate, [REDACTED]" and "Panamerican Championship of Free Karate." The Petitioner continued to add to these discrepancies on appeal, referring to the tournament both as the "Panamerican Games" and the "International Panamerican Championship of Karate."

<sup>2</sup> As the Petitioner did not contest the Director's finding that he did not meet the criterion at 8 C.F.R. § 204.5(h)(3)(ii), we found that claim to have been abandoned.

the Petitioner won first place in the “Panamerican National” in the [ ] weight category in the years 1994, 1995 and 1996.

However, we note that [ ] statement contradicts an article published in *Meridiano* on December 1, 1996, quoting another participant as stating that the Petitioner received third in [ ] in the “Panamerica Games of Karate” which took place in the preceding month. The Petitioner must resolve this discrepancy in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). While other articles in the record which were previously submitted indicate that the Petitioner achieved first place, the unknown source and date of these articles, combined with the articles’ inconsistent naming of the tournaments in which the Petitioner is claimed to have won these awards, significantly reduces their value in verifying [ ] statement or overcoming this inconsistency. Accordingly, this new evidence does not establish that the Petitioner received the awards as stated by [ ]

In addition, we found in our previous decision that even if the Petitioner were to establish his receipt of the claimed awards, the evidence did not establish that they are nationally or internationally recognized. On motion, the Petitioner submits additional information about the [ ] tournament from the website [ ], highlighting a section titled “Ratings.” This section lists several associations, with the entries for [ ] and the World Kenpo Federation indicating “5A World Tour” and “5A Sanctioned” respectively, but the meaning and significance of this information is not explained. Further, the [ ] website lists the [ ] as one of 33 tournaments scheduled to have been held during 2020, and does not differentiate between them in terms of the level of competition or recognition. This evidence does not establish that the [ ] is recognized by [ ] at the national or international level, or that it is recognized in the broader field of martial arts.

For the reasons stated above, we find that the new evidence does not establish the Petitioner’s receipt of lesser nationally or internationally recognized awards.

*Evidence of the alien’s participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specialization for which classification is sought. 8 C.F.R. § 204.5(h)(3)(iv)*

The Director found that the Petitioner had not established his participation as a judge of the work of others, finding that the letters from [ ] were insufficient. With his appeal, the Petitioner resubmitted a letter from [ ] that had been submitted in response to the Director’s request for evidence (RFE). On motion, he submits new evidence consisting of two certificates, both including his name and “Official’s Certificate.” The first indicates that it was given during the “U.S. Open ISKA World Martial Arts Championships” in [ ] Florida in [ ] 2008, while the second states only “U.S. Open” and provides no date or location. This evidence sufficiently establishes the Petitioner’s participation as an official at a karate tournament in [ ] 2008.

The previously mentioned new letter from [ ] also includes evidence relating to this criterion, stating that “I have had the pleasure to work with him inviting him as a judge to the Pan American Tournament of martial arts, that takes place in the city of [ ] around fall time for the last 23 years.” In addition, the Petitioner also includes the 2020 [ ] Rulebook with his motion, which explains

that judges at a karate competition award points, as well as penalties, to the competitors. This evidence establishes that the Petitioner meets this criterion.

*Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation. 8 C.F.R. § 204.5(h)(3)(viii)*

In support of this criterion, the Petitioner submitted certificates and reference letters which verify that he actively participated as a karate athlete for [ ] from 1994 to 2001, and continued to participate with the school's karate program in later years. The Director found that this evidence did not establish that he played a leading or critical role for [ ] or that the school had a distinguished reputation. The Petitioner resubmitted the same three reference letters on appeal, as well as a webpage from the website topuniversities.com which ranks [ ] in [ ]. As noted above, we reserved this criterion on our decision, as we had already determined that the Petitioner could not meet the initial evidence requirements for the requested classification.

On motion, the Petitioner submits the same certificates and reference letters showing his participation as an athlete for [ ] as well as new evidence that he acted as an "Aerobic Instructor" for [ ] for the Inter-School Sports Games 2003 Cup. However, the Petitioner does not explain or provide evidence regarding the duties of this role, or how this apparently temporary role for [ ] was leading or critical for the school overall. He also does not introduce new facts regarding his earlier role as an athlete for [ ]'s karate team. He has therefore not established that he played a leading or critical role for [ ] overall or for the [ ] karate team.

The Petitioner also submits new information about [ ] and its history from *Wikipedia*, and information about the Free (or Freestyle) Karate Club at [ ] which appears to be from the school's website. Regarding *Wikipedia*, there are no assurances about the reliability of the content from this open, user-edited Internet site. Therefore, information from *Wikipedia* will be accorded no evidentiary weight. See *Laamilem Badasa v. Michael Mukasey*, 540 F.3d 909 (8<sup>th</sup> Cir. 2008).<sup>3</sup> And the information about the Free Karate Club simply provides information about the sport and the club's history, without adding information about the club's reputation in the field of karate or the broader field of martial arts. Accordingly, even if the Petitioner had successfully shown that he played a leading or critical role for [ ] or its freestyle karate club, he has not established that either entity enjoys a distinguished reputation.

In addition, the Petitioner submits additional evidence regarding his role with the [ ] Karate Organization. One certificate, dated November 28, 2015, states that it "Grants this recognition to the

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<sup>3</sup> See also the online content from [http://en.wikipedia.org/wiki/Wikipedia:General\\_disclaimer](http://en.wikipedia.org/wiki/Wikipedia:General_disclaimer), accessed on \*, and copy incorporated into the record of proceeding is subject to the following general disclaimer:

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Teacher [Petitioner] for his long career as an athlete, perseverance and dedication in the formation of martial artists of new generations.” A second certificate from the organization, dated March 27, 2010, indicates that it recognizes the Petitioner “For his valuable contribution and commitment to all the activities of this organization...” However, the record does not include evidence which provides further information about what exactly the Petitioner’s role for this organization was or is, such as whether he was formally employed as a karate instructor or held a leadership position. In addition, the record lacks evidence to show that the [ ] Karate Organization has earned a distinguished reputation.

For all of the reasons discussed above, we find that the new evidence provided on motion does not establish that the Petitioner meets this criterion.

### III. CONCLUSION

Upon review of the new evidence submitted by the Petitioner with his motion to reopen, we find that he has shown that he meets the criterion relating to his participation as a judge of the work of others. However, he has not submitted new evidence to overcome our previous finding regarding published material about him. In addition, we find that the new evidence about his receipt of nationally or internationally recognized awards and his leading or critical role for associations is insufficient to demonstrate that he meets those criteria. Accordingly, he has not established that he meets the initial evidence requirement for this classification and that he qualifies as an alien of extraordinary ability.

**ORDER:** The motion to reopen is dismissed.